

REMARKS

Reconsideration and entry of the following remarks are respectfully requested. Claims 1-42 remain pending.

Claims 1, 13, 20 and 32 remain rejected under §103(a) as being unpatentable over Ladd et al., in view of St.-Pierre et al. and further in view of Schloss and further in view of Saylor and in further view of Meyerzon, et al. This rejection is respectfully traversed. The following is a comparison between the claims and the applied prior art.

Independent claims 1, 13, 20 and 32 are directed to execution of an application to deliver voice portal services. Claim 1 specifies a method in an application server for executing an application to deliver voice portal services that includes receiving a HTTP request for execution of a prescribed voice portal service application for a subscriber; accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes; sending a request to a content server for media content based on the HTTP request and the attribute information; and generating an HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request. Claims 13 and 32 specify a server, and claim 20 specifies a computer readable medium having instructions for performing the steps as specified in claim 1.

In response to Applicants' arguments of February 18, 2004 that Ladd et al. do not disclose that a HTTP request is received by the application server 242, the Examiner contends that since Ladd et al. has an application server connected to the Internet, "it would have been expected that some or all of the requests in Ladd's application server received would be HTTP requests." Applicants' submit that the Examiner is presenting an inherency argument here. However, inherency is not applicable in a rejection under §103. In re Newell, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989). Furthermore, as argued previously, at column 8, lines 55-67, Ladd et al. disclose that the VRU server 234 provides output signals that

represent results of speech processing to the LAN 240 and LAN 240 routes the output signals to the application server 242. Also textual information is sent to the application server 242 (see column 9, lines 45-54 of Ladd et al.). The output signals or textual information are not HTTP requests.

Applicants submit that the Examiner's position is inconsistent with the explicit teachings of Ladd et al. The application server of Ladd et al. sends HTTP request but does not receive them. There is no suggestion that the application server of Ladd et al. receives requests from the voice browser 250 in the form of HTTP requests (see column 10, lines 58 to column 11, line 11 of Ladd et al.).

Furthermore, the claimed HTTP request provides a non-persistent request/response session, whereas the voice browser of Ladd et al. requires a persistent connection, as explained more fully below with regard to the Ladd et al, Brant et al combination.

Thus, the piecemeal application of Ladd et al. is improper: the reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention (see MPEP 2141.02 at page 2100-95 (Rev. 1, Feb. 2000) (citing W.L. Gore & Associates, Inc. v. Garlock, Inc., 22 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984))).

The Examiner concedes that Ladd et al. do not disclose accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes; sending a request to a content server for media content based on the HTTP request and the attribute information; and generating an HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request.

The Examiner cites St. Pierre as disclosing accessing attribute information for a subscriber from an IP based server. However, St. Pierre discloses a centralized database server for multiple network types. Column 6, lines 57-63 of St. Pierre indicated that, "Each communications network then communicates with the centralized administrative node 260 and/or the database 250 to consolidate or correlate the relevant data." The claims specify, in an application server, accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes,

which is not suggested by St. Pierre. The Examiner contends that “St. Pierre mentions the possibility of using IP for data transmission in col. 4, lines 60-61.” However, St. Pierre merely discloses that a MSC 30 may include an IP router 740 for routing IP packets (see column 7, lines 22-25). This has no relation to the centralized database 250 of St. Pierre. Disclosure of an IP router is not a suggestion that the central database 250 could be an IP database server.

Schloss merely discloses an advisory server that blocks unwanted/offensive content and does not teach or suggest sending a request to a content server for media content based on the HTTP request and attribute information.

Saylor discloses a method for registering voice codes (VCodes) and merely teaches that VPages may be stored in an XML format. This is not a teaching or suggestion of generating a HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request. The Examiner contends that “since Saylor’s invention produces web output, it must produce HTML pages, and the invention produces XML tags that regulate media content.” HTML relates to displaying web content. Saylor does not produce HTML pages, but produces VPages having XML-based voice content. The VPage of Saylor is not an HTML page having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request.

Meyerzon merely discloses a client application that makes use of embedded properties in a Web browser that reads tags (e.g., HTML, SGML, XML) embedded in a Web document. Meyerzon does not suggest that a document can include different types of tags. The Examiner contends that “Meyerzon suggests that simultaneous adaptation of multiple plugins ...which would provide for the handling of multi-type rich media.” The use of plugins in Meyerzon does not teach or suggest generating a HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request.

The Office Action fails to provide any evidence that one having ordinary skill in the art would have been motivated to modify the teachings of Ladd et al. to obtain the invention claimed in independent claims

1, 13, 20 and 32. “The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” In re Fritch, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

Furthermore, the hypothetical combination would neither disclose nor suggest an application server that generates a HTML page having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request.

For these and other reasons, independent claims 1, 13, 20 and 32 are patentable over Ladd et al. in view of the secondary references. Hence, these rejections should be withdrawn.

Claims 2-12, 14-19, 21-21 and 33-38 are believed patentable in view of their dependency from the respective independent claims.

Claims 39-42 stand rejected under §103(a) as being unpatentable over Ladd et al., in view of St.-Pierre et al. and further in view of Schloss and further in view of Saylor and in further view of Meyerzon, et al. and further in view of Brandt et al. This rejection is respectfully traversed.

Claims 39-42 recite that the HTML document is generated by an application instance, wherein the application instance is terminated based on the HTML document having been output to a browser.

The Examiner cites Brandt et al. as disclosing a method that deploys from a server and terminates once an HTML page has been output to a browser. The Examiner contends that it would have been obvious to one of ordinary skill in the art “to use Brandt’s method of HTML web page transmission with the inventions of Ladd, St. Pierre, Schloss, Saylor and Meyerson in order to facilitate transmission of web pages in a memory-efficient manner.”

Applicants’ submit that one would not combine the teachings of Brandt et al. with the primary reference of Ladd et al., since Ladd et al. teach away from the features of claims 39-42 by teaching a complex voice browser having an interpreter that constructs its own persistent interactive voice response (IVR) session by relying on a state machine to maintain application state with the user. In contrast, HTTP connections inherently utilize non-persistent connections that prevent their use for persistent voice applications. Claims 39-42 specify that the application instance is terminated based on the HTML page

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or document having been output to a browser. Hence, termination of the application instance renders the application instance a non-persistent voice application, able to accommodate the non-persistent nature of HTTP connections. Thus, the rejection should be withdrawn.

In view of the foregoing, it is believed this application is in condition for allowance, and such as Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-419, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Stemberger', with a long horizontal flourish extending to the right.

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